Single Bench

(2) (4)

CF 1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. NO. 4853 /2006

PETITIONER

A. R. Bairagi,
S/o- Shri Ram Sharan Bairagi,
Aged about 53 years,
Deputy Superintendent of Police,
Presently posted at Ambagarh Chowki, District- Rajnandgaon (C.G.)

P.R. No. 4876/06
Presented by Shri Anand Kr. Jain
dated 21/12/06

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through Secretary,
Home Department Mantralaya
D.K.S. Bhawan, Mantralaya
Raipur (C.G.)

OATH COMMISSIONER
APARNA MALVIYA
Bilaspur Chhattisgarh
01/12/06

2. Inspector General Of Police,
Police Head Quarter, Raipur
District –Raipur (C.G.)

3) Superintendent of Police,
Rajnandgaon, District
Rajnandgaon (C.G.)

CERTIFIED COPY
21/12/06
A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W.P.(S) No. 4853 of 2006

Petitioner : A.R. Bairagi

Versus

Respondents : State of Chhattisgarh & others

Shri Anand Kumar Tiwari, counsel for the petitioner.

Shri V.V.S. Moorthy, Deputy Advocate General with Shri Satish Gupta, Dy. Govt. Advocate, for the State/respondents.

ORDER

(7th of September, 2006)

1. The petitioner is an employee of police department. The petitioner was working as Inspector, when he was promoted to the post on Deputy Superintendent of Police vide order dated 03.11.2004 (Annexure P/1).

2. As per the policy of the Government, a person on transfer should be initially posted in the Naxalite affected area for a minimum period of 3 years or up to 54 years of age, whichever may be earlier. The petitioner was accordingly posted at Mohala, Ambagarh Chowki, Rajnandgaon. By impugned order dated 5.8.2006 (Annexure P/8), the

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petitioner has been transferred to SC.ST. cell, Crime branch, Dantewada, district Dantewada as Deputy Superintendent of Police.

3. In this petition, the petitioner has challenged the impugned order on the ground that vide order dated 1.7.2006 (Annexure P/6), the petitioner was transferred to police Subdivision Pandariya, District Kawardha but, he was not relieved for joining the new place of posting. When the petitioner made a representation for relieving, the respondent did not relieve the petitioner, specifying the reason that since the Ambagarh Chowki is dense Naxalite area and there is no reliever in place of the petitioner, hence, it is not possible to relieve the petitioner to join at the new place and the impugned order was passed, thereafter. The petitioner ought not to have been posted at Dantewada, as initially he was posted in the Naxalite affected area for a period of 3 years, as per the policy of the Government. On perusal of the policy, the submission of the petitioner cannot be countenanced at this stage.

4. The learned counsel appearing for the petitioner gives up other points raised in the petition and seeks liberty of this Court to approach the concerned authority for considering

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and deciding his representation dated 6.8.2006 (Annexure P/11), within a stipulated period, to which learned counsel appearing for the respondents has no objection.

5. Consequently, the Writ Petition is accordingly disposed of with the above stated liberty. The concerned authorities are directed to consider and decide the pending representation dated 6.8.2006, within a period of four weeks, in accordance with law, on its own merit, from the date of receipt of a copy of this order. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge